

HOUSE BILL 1251

K4

11r0154

By: **Chair, Appropriations Committee (By Request – Departmental – State Police)**

Introduced and read first time: February 22, 2011

Assigned to: Rules and Executive Nominations

Re-referred to: Appropriations, February 28, 2011

Committee Report: Favorable

House action: Adopted

Read second time: March 22, 2011

CHAPTER _____

1 AN ACT concerning

2 **State Police Retirement System – Special Disability Retirement Allowance –**
3 **Forfeiture**

4 FOR the purpose of prohibiting certain members or former members of the State
5 Police Retirement System who are charged with committing certain criminal
6 offenses from applying for a certain special disability retirement allowance;
7 requiring the Board of Trustees of the State Retirement and Pension System to
8 temporarily suspend the application process for a certain special disability
9 retirement allowance if the member or former member applying for the certain
10 special disability retirement allowance has been charged with committing
11 certain criminal offenses; requiring the Board of Trustees to terminate a certain
12 special disability application process of certain members or former members
13 under certain circumstances; providing that certain members or former
14 members may apply for a certain special disability retirement allowance or
15 resume the application process for a certain special disability retirement
16 allowance under certain circumstances; requiring the Secretary of State Police
17 to report certain information to the Board of Trustees; providing that a person is
18 convicted of a criminal offense for purposes of certain provisions of this Act
19 under certain circumstances; defining a certain term; and generally relating to
20 members and former members of the State Police Retirement System forfeiting
21 certain rights to a special disability retirement allowance following the
22 conviction of criminal offenses.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – State Personnel and Pensions
3 Section 29–119
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2010 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – State Personnel and Pensions**

9 **29–119.**

10 (A) IN THIS SECTION, “CRIMINAL OFFENSE” MEANS:

11 (1) ANY CRIME OF VIOLENCE, AS PROVIDED UNDER § 14–101 OF
12 THE CRIMINAL LAW ARTICLE;

13 (2) FELONY THEFT, AS PROVIDED UNDER TITLE 7, SUBTITLE 1 OF
14 THE CRIMINAL LAW ARTICLE;

15 (3) FORGERY, AS PROVIDED UNDER TITLE 7, SUBTITLE 1 OF THE
16 CRIMINAL LAW ARTICLE;

17 (4) IDENTIFICATION FRAUD, AS PROVIDED UNDER TITLE 8,
18 SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;

19 (5) PERJURY, AS PROVIDED UNDER TITLE 9, SUBTITLE 1 OF THE
20 CRIMINAL LAW ARTICLE;

21 (6) BRIBERY, AS PROVIDED UNDER TITLE 9, SUBTITLE 2 OF THE
22 CRIMINAL LAW ARTICLE;

23 (7) FILING A FALSE REPORT, AS PROVIDED UNDER TITLE 9,
24 SUBTITLE 5 OF THE CRIMINAL LAW ARTICLE;

25 (8) WITNESS INTIMIDATION, AS PROVIDED UNDER TITLE 9,
26 SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;

27 (9) OBSTRUCTION OF JUSTICE, AS PROVIDED UNDER § 9–306 OF
28 THE CRIMINAL LAW ARTICLE;

29 (10) SEXUAL OFFENSES, AS PROVIDED UNDER TITLE 3, SUBTITLE
30 3 OF THE CRIMINAL LAW ARTICLE;

1 (11) CHILD PORNOGRAPHY, AS PROVIDED UNDER § 11-207 OF THE
2 CRIMINAL LAW ARTICLE;

3 (12) EXTORTION, AS PROVIDED UNDER TITLE 3, SUBTITLE 7 OF
4 THE CRIMINAL LAW ARTICLE;

5 (13) CONTROLLED DANGEROUS SUBSTANCE VIOLATIONS, AS
6 PROVIDED UNDER TITLE 5, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE;

7 (14) STALKING, AS PROVIDED UNDER TITLE 3, SUBTITLE 8 OF THE
8 CRIMINAL LAW ARTICLE;

9 (15) RECKLESS ENDANGERMENT, AS PROVIDED UNDER TITLE 3,
10 SUBTITLE 2 OF THE CRIMINAL LAW ARTICLE; OR

11 (16) THE COMMON LAW CRIME OF MISCONDUCT IN OFFICE.

12 **(B) FOR THE PURPOSES OF THIS SECTION, A PERSON IS CONVICTED OF**
13 **A CRIMINAL OFFENSE WHEN THE PERSON:**

14 (1) IS FOUND GUILTY OF THE CRIMINAL OFFENSE BY A JURY OR
15 JUDICIAL OFFICER;

16 (2) ENTERS A PLEA OF GUILTY OR NOLO CONTENDERE; OR

17 (3) IS GRANTED PROBATION BEFORE JUDGMENT.

18 **(C) SUBJECT TO SUBSECTION (F) OF THIS SECTION, IF A MEMBER OR**
19 **FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM IS CHARGED**
20 **WITH COMMITTING A CRIMINAL OFFENSE THAT OCCURRED WHILE THE MEMBER**
21 **OR FORMER MEMBER WAS EMPLOYED BY THE DEPARTMENT OF STATE POLICE:**

22 (1) THE MEMBER OR FORMER MEMBER MAY NOT APPLY FOR A
23 SPECIAL DISABILITY RETIREMENT UNDER § 29-103 OF THIS SUBTITLE; AND

24 (2) IF THE MEMBER OR FORMER MEMBER HAS APPLIED FOR A
25 SPECIAL DISABILITY RETIREMENT UNDER § 29-103 OF THIS SUBTITLE, THE
26 BOARD OF TRUSTEES SHALL TEMPORARILY SUSPEND THE MEMBER'S OR
27 FORMER MEMBER'S SPECIAL DISABILITY APPLICATION PROCESS.

28 **(D) SUBJECT TO SUBSECTION (F) OF THIS SECTION, IF A MEMBER OR**
29 **FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM IS CONVICTED**

1 OF A CRIMINAL OFFENSE COMMITTED WHILE THE MEMBER OR FORMER
2 MEMBER WAS EMPLOYED BY THE DEPARTMENT OF STATE POLICE, THE BOARD
3 OF TRUSTEES SHALL TERMINATE ANY SPECIAL DISABILITY RETIREMENT
4 APPLICATION OF THE MEMBER OR FORMER MEMBER.

5 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE
6 MEMBER OR FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM IS
7 ACQUITTED OF THE CHARGES OR THE CHARGES AGAINST THE MEMBER OR
8 FORMER MEMBER ARE DISMISSED OR PLACED ON A STET DOCKET:

9 (I) THE MEMBER OR FORMER MEMBER MAY APPLY FOR A
10 SPECIAL DISABILITY RETIREMENT ALLOWANCE UNDER § 29-103 OF THIS
11 SUBTITLE; AND

12 (II) IF THE BOARD OF TRUSTEES HAS SUSPENDED THE
13 MEMBER'S OR FORMER MEMBER'S SPECIAL DISABILITY APPLICATION PROCESS,
14 THE BOARD OF TRUSTEES SHALL RESUME THE APPLICATION PROCESS.

15 (2) IF AT ANY TIME CHARGES FOR A CRIMINAL OFFENSE THAT
16 OCCURRED WHILE THE MEMBER OR FORMER MEMBER WAS EMPLOYED BY THE
17 DEPARTMENT OF STATE POLICE ARE REMOVED FROM THE STET DOCKET FOR
18 THE PURPOSES OF RESUMING CRIMINAL PROCEEDINGS, THE PROVISIONS OF
19 SUBSECTION (C) OF THIS SECTION SHALL APPLY AGAIN UNLESS THE SPECIAL
20 DISABILITY ALLOWANCE WAS FINALLY GRANTED OR REJECTED BY THE BOARD
21 OF TRUSTEES.

22 (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE
23 CONVICTION OF A MEMBER OR FORMER MEMBER OF THE STATE POLICE
24 RETIREMENT SYSTEM FOR A CRIMINAL OFFENSE THAT OCCURRED WHILE THE
25 MEMBER OR FORMER MEMBER WAS EMPLOYED BY THE DEPARTMENT OF STATE
26 POLICE IS OVERTURNED ON APPEAL:

27 (I) THE MEMBER OR FORMER MEMBER MAY APPLY FOR A
28 SPECIAL DISABILITY RETIREMENT ALLOWANCE UNDER § 29-103 OF THIS
29 SUBTITLE; AND

30 (II) IF THE BOARD OF TRUSTEES HAS TERMINATED THE
31 MEMBER'S OR FORMER MEMBER'S SPECIAL DISABILITY APPLICATION PROCESS,
32 THE BOARD OF TRUSTEES SHALL RESUME THE APPLICATION PROCESS.

33 (2) IF THE APPELLATE COURT REMANDS THE CRIMINAL CASE
34 FOR A NEW TRIAL, THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION

1 SHALL APPLY AGAIN UNLESS THE SPECIAL DISABILITY ALLOWANCE WAS
2 FINALLY GRANTED OR REJECTED BY THE BOARD OF TRUSTEES.

3 (G) ON RECEIVING NOTICE FROM THE BOARD OF TRUSTEES THAT A
4 MEMBER OR FORMER MEMBER OF THE DEPARTMENT OF STATE POLICE HAS
5 FILED FOR A SPECIAL DISABILITY BENEFIT, THE SECRETARY OF THE
6 DEPARTMENT OF STATE POLICE SHALL NOTIFY THE BOARD OF TRUSTEES IF
7 THAT PERSON WAS CHARGED WITH OR CONVICTED OF A CRIMINAL OFFENSE
8 THAT OCCURRED WHILE EMPLOYED BY THE DEPARTMENT OF STATE POLICE.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.